

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

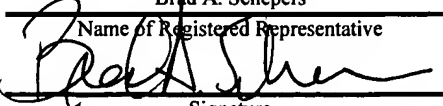
|                                      |   |                            |
|--------------------------------------|---|----------------------------|
| In re patent application of:         | ) | Before the Examiner:       |
| Charles L. Branch et al.             | ) | Pedro Philogene            |
|                                      | ) |                            |
| Application of Serial No. 10/698,702 | ) | Group Art Unit 3733        |
|                                      | ) |                            |
| Filed October 31, 2003               | ) | Ref. No. MSDI-186/PC365.07 |
|                                      | ) |                            |
| INTERBODY FUSION GRAFTS              | ) | December 6, 2006           |
| AND INSTRUMENTATION                  | ) |                            |

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated September 8, 2006, please enter and consider the following amendments and remarks. Please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

|   |       |
|---|-------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: |       |
| December 6, 2006  | _____ |
| Date of Deposit   |       |
| Brad A. Schepers  | _____ |
| Name of Registered Representative   |       |
|   | _____ |
| Signature   |       |
| December 6, 2006  | _____ |
| Date of Signature   |       |

### **INTRODUCTORY COMMENTS**

Claims 63-216 were pending in the subject application for the non-final Office Action mailed on September 8, 2006. Claims 63-216 have been rejected on various grounds. In view of the following amendments and remarks, reconsideration of the subject application is hereby requested.